

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

M-B-W, INC., and BARIKELL S.r.l.

Plaintiffs/Counterdefendants

v.

MULTIQUIP, INC., and
ALLEN ENGINEERING CORPORATION,

Defendants/Counterclaimants

Case No. 07-C-390

MULTIQUIP, INC., and
ALLEN ENGINEERING CORPORATION,

Counterclaimants

v.

M-B-W, INC. and BARIKELL S.r.l.,

Counterdefendants.

ORDER

M-B-W, Inc. ("MBW"), Barikell S.r.l. ("Barikell"), and Multiquip, Inc. ("Multiquip") have reached a settlement of the dispute among them involving United States Patent No. 5,816,740 ("the '740 Patent") owned by Multiquip, and accordingly have filed a Joint Motion for Dismissal of Certain Claims and Other Relief (Docket #145) stipulating to the entry of this Order.

M-B-W and Barikell have asserted claims/counterclaims seeking a declaratory judgment of non-infringement, invalidity and misuse of the '740 Patent, and Multiquip has counterclaimed for infringement of the '740 Patent.

In its Order of September 29, 2009 (Docket #126), the Court granted partial summary judgment that the hydraulically controlled power trowels manufactured by Barikell and sold by M-B-W infringed the '740 Patent. Trial on the remaining issues relating to the '740 Patent is scheduled to commence February 8, 2010.

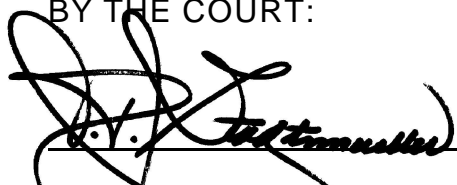
The Court has jurisdiction over the parties and the subject matter of this suit. Venue is proper.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. U.S. Patent No. 5,816,740 is hereby declared valid and enforceable.
2. Except for the foregoing declaration, all claims and counterclaims between M-B-W, Inc. and Barikell, S.r.l. and Multiquip, Inc. that were or could have been asserted in this action are dismissed with prejudice and without costs.
3. The foregoing two paragraphs, together with paragraphs 1, 2, 4 and 6 of the Order dated January 6, 2009 (Docket #67), shall be part of the Judgment entered herein at the conclusion of this action.
4. The Clerk shall enter Judgment after the Court determines M-B-W and Barikell's request for an award of costs and expenses, including attorneys' fees, relating to the claims involving the patents owned by Allen Engineering Corporation that were the subject of the Order of January 6, 2009 (Docket #67).

Dated at Milwaukee, Wisconsin, this 7th day of January, 2010.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge